



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

GLORIA LAWSON,
Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 3:10-212-HFF-JRM

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of the final decision of the Commissioner of Social Security (Defendant) denying her claim for Disability Insurance Benefits. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendant's decision be affirmed. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 29, 2011, Plaintiff filed her objections to the Report on August 25, 2011, and Defendant filed his reply to the objections on September 8, 2011.

The Court has reviewed the objections but finds that Plaintiff has generally reargued positions that the Magistrate Judge previously considered and rejected. Thus, inasmuch as the Court finds the discussion and analysis contained in the Magistrate Judge's Report to be correct, there is no need for the Court to rewrite here what the Magistrate Judge has already written there. Simply stated, Plaintiff has failed to demonstrate that Defendant's decision was unsupported by substantial evidence or reached through the application of an incorrect legal standard. Accordingly, the decision of Defendant will be affirmed.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendant's decision is **AFFIRMED**.

IT IS SO ORDERED.

Signed this 29th day of September, 2011, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE